

ALD-128

February 16, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 06-5158

IN RE: BENJAMIN F. WHITEMAN, Petitioner

Present: SLOVITER, CHAGARES AND NYGAARD, CIRCUIT JUDGES

Submitted are:

- (1) Petitioner's application for leave to file a second or successive petition under 28 U.S.C. § 2254; and
- (2) Petitioner's "Motion for Limited Waiver of Filing Fees," which is construed as a motion to be relieved of the requirements of Third Circuit LAR 22.5 in the above-captioned case.

Respectfully,

Clerk

MMW/BNB/slc

U. S. DISTRICT COURT - DE
MISC. CASE # 07-45

ORDER

The foregoing "Motion for Limited Waiver of Filing Fees" is treated as a motion for exemption from compliance with the requirements of Third Circuit LAR 22.5 and, so treated, is granted. The foregoing application under 28 U.S.C. § 2244 for leave to file a second or successive petition under 28 U.S.C. § 2254 is denied. Petitioner has not presented any newly discovered evidence and his claim does not involve a new rule of constitutional law. See 28 U.S.C. § 2244(b)(2).



By the Court,

/s/ Richard L. Nygaard
Circuit Judge

Dated: March 1, 2007

SLC/cc: Mr. Benjamin F. Whiteman

Loren C. Meyers, Esq.

Marcia M. Waldron
Marcia M. Waldron, Clerk

MARCIA M. WALDRON
CLERK

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
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601 MARKET STREET
PHILADELPHIA 1610-1790

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Delaware Clerk of District Court
(District),

Date March 1, 2007

In re: Whiteman
(Caption)

C. of A. No. 06-5158

Benjamin F. Whiteman
(Appellant)

Related to: 94-cv-00151

(D.C. No.)

Enclosures:

U. S. DISTRICT COURT - DE
INSC. CASE # 07-45

FILED
MAR 2 3 46 PM '07
U.S. DISTRICT COURT OF DELAWARE

March 1, 2007 Certified copy of C. of A. Order by the Court
(Date)

_____ Returned

_____ Copy of this form to acknowledge receipt and return to C. of A.

_____ Record not released at this time until appeal(s) closed at No.(s) _____

_____ Please forward Certified List in Lieu of Record to this office.

_____ The certified copy of order issued as the mandate on _____
is recalled.

Shannon Craven (267)-299-4959

Deputy Clerk

Telephone Number

Receipt Acknowledge:

E. Shuckler

(Name)

3/5/07

(Date)

Rev. 3/13/00
Appeals (Certified List in Lieu of Record)